



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpsg.net

#20

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 17, 2021 AT THREE O'CLOCK P.M.

On motion of Mr. Moran, seconded by Mr. McCloskey, it was moved to adopt the following ordinance:

ORDINANCE SBPC #2357-08-21

Summary No. 3930

Introduced by: Councilmember Moran on 8/3/21
Public Hearing held on 8/17/21

AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 11; HEALTH AND SANITATION, ARTICLE VII; PROPERTY MAINTENANCE CODE, DIVISION 4; GENERAL REQUIREMENTS, SECTION 11-182; PEST ELIMINATION OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby repeal and replace Chapter 11; Health and Sanitation, Article VII; Property Maintenance Code, Division 4; General Requirements, Section 11-182; Pest Elimination in the St. Bernard Parish Code of Ordinances as attached as Exhibit "A."

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None



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ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 17th day of August, 2021.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President

8/20/21 10:35
Date and Time

Received by

Approved

Vetoed

Parish President

Returned to Clerk of the Council

8/24/21 8:40am
Date and Time

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Exhibit "A"
Ordinance SBPC #2357-08-21

Chapter 11 – Health and Sanitation
Article VII – Property Maintenance Code
Division 4 – General Requirements
Section 11-182 – Pest Elimination

Sec. 11-182. - Pest elimination.

11-182.1. *Purpose.* The purpose of this Section is to provide for the protection and promotion of the public health, safety and welfare by regulating and eliminating nuisances associated with pest infestations which have a negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This section is enacted to also prevent the spread of disease and to limit and prevent the harborage of insects, rodents, and other vermin, and to prevent the depreciation of property values and disturbances of another's peaceful possession of his property due to a person's actions or property constituting a violation of the conditions of this Section.

11-182.2. *Definitions.* For the purposes of this Section, the following terms, phrases, words and derivations shall have the meaning given herein, unless it is apparent from the context that a different meaning is intended:

(1) *Nuisance.* The term nuisance means any activity, condition or use of a property or premises which is detrimental to or endangers public safety, health or welfare; produces such material annoyance, inconvenience, discomfort so as to interfere with or disturb another in the peaceful possession of their property or cause injury to the right of another or of the public; and/or is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the vicinity or neighborhood in which such property or premises is located.

(2) *Prohibited condition.* The term "prohibited condition" means any condition as now or hereafter declared to be a nuisance or otherwise prohibited under the laws of the parish or state, including, but not limited to, this Section.

(3) *Proprietary party.* The term "proprietary party" means an owner, person with ownership interest, lessee, sublessee, tenant or occupant of any property and/or premises.

(4) *Property.* The term "property" means any lot, tract or parcel of land, and/or any portion of ground or other immovable property, whether occupied or vacant, which is situated within this parish.

(5) *Premises.* The term "premises" means any building, structure, watercraft or movable located on property situated within this parish owned or occupied by any proprietary party or representative thereof.

(6) *Structure.* The term "structure" shall include a building, house or other items such as signs and canopies which are man made and protrude above lot grade.

(7) *Swimming pool.* The term "swimming pool" as used in this Section, refers to any body of water used for swimming or other recreational bathing such as a hot tub, spa, or other man made structure designed to

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hold water for recreational purposes, which is of artificial or semi-artificial construction including all appurtenances relative to its use. The term as used in this Section shall in no way change or otherwise affect the interpretation of any other Chapter or Section of this Code of Ordinances.

11-182.3. *Infestation of Property.* All property situated within this parish shall be kept free from rodent and insect infestation, including but not limited to termite infestation. All property upon which insect and/or rodent infestation are found shall be promptly exterminated by approved processes that will not be injurious to human health. The proprietary party shall be responsible for pest elimination. After pest elimination, proper precautions shall be taken to prevent re-infestation. NOTE! The parish may wish to consider an exception for vacant/undeveloped property located in rural areas.

11-182.4. *Infestation of Premises.* All premises situated within this parish shall be kept free from rodent and insect infestation, including but not limited to termite infestation. All premises upon which insect and/or rodent infestation are found shall be promptly exterminated by approved processes that will not be injurious to human health. The proprietary party shall be responsible for pest elimination. After pest elimination, proper precautions shall be taken to prevent re-infestation.

11-182.5. *Leased Premises/Structures.* The owner of any premises or structure shall be responsible for pest elimination within the premises/structure prior to renting or leasing said premises/structure. The occupant of a one-family dwelling or of a single-tenant non-residential structure shall be responsible for the continued pest-free condition of the premises. The owner of a structure containing two (2) or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for the continued pest elimination in the public or shared areas of the structure and exterior property; and the occupant shall be responsible for the continued rodent and pest-free condition of the premises leased by them.

11-182.6. *Swimming pools.* The owner or occupant of any property containing a swimming pool shall be responsible for taking all steps necessary to pest infestation of said swimming pool, including but not limited to mosquito infestations.

11-182.7. *Enforcement.* The method for enforcement of this Section shall be as set forth in Section 11-162, et seq.

11-182.8. *Penalties for violation.* Penalties for the violation of this Section shall be as set forth in Section 11-162, et seq.

11-182.9. *Violations deemed a public nuisance.* In addition to the penalties otherwise provided in this Section, any prohibited condition caused or permitted to exist in violation of this Section may be a threat to public health, safety, and welfare. In which event, such violation may be declared a public nuisance and the parish may thereafter summarily correct such violation and abate or restore the affected property or premises at the violator's expense.

11-182.10. *Remedies not exclusive.* The remedies set forth in this Section are not exclusive of any other remedies available under any applicable federal, state, or local law; and the parish may pursue such individual or cumulative remedies as it deems appropriate to address violations of this Section.